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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,439	04/01/2004	Panu K. Zoller	53766US010	2823
32692 7590 04/23/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/817,439

Applicant(s)

ZOLLER ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10, 15, 20-24, 29, 31-35, 38, 40-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) 3, 11-14, 16-19, 25-28, 30, 36, 37, 39, 42 and 51-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/25/06, 11/4/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION
Specification

1. The substitute specification submitted on 3/28/2006 has been entered as being directed to material not affecting the scope of the invention.

Amendments to Claims

2. The amendment filed 3/28/2006 proposes amendments to claims 40-53 that do not comply with 37 CFR 1.173(b), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required.

All amended claims containing added matter should be underlined to be compliant with 37 CFR 1.173d.

Claim 21, line 15, the deleted article "and" should be bracketed and not stricken-through to be compliant with 37CFR 1.173d.

Rejections Maintained

4. Claims 1-2, 7-9, 22-24, 31-32, 35, 38, 40-41, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5178924) for reasons of record made in the last Office Action of 9/16/2005.
5. Claims 6, 10, 15, 20-21, 29, 33-34 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Johnson (5167995) for reasons of record made in the last Office Action of 9/16/2005.
6. Claims 4-5 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable

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over Johnson in view of Reinders (6037028) for reasons of record made in the last Office Action of 9/16/2005.

Response to Arguments

7. Applicant's arguments filed 12/19/2005 and 3/28/2006 have been fully considered but they are not persuasive.

Applicant argues that *Johnson1 (Johnson'924) discloses the use of a release liner comprising an ethylene/acrylic acid mixture containing tackifiers on a polyethylene support layer in order to improve tack between the polyethylene support layer and olefin-based HAAs*. See, column 5, lines 19-24. This is not deemed to be convincing because Johnson1's ethylene/acrylic acid mixture is a copolymer because the copolymer forms the release liner. Applicant should note that if the ethylene/acrylic acid (EAA) was merely a mixture as alleged by the applicant, then applicant is invited to show as to how is the ethylene contained with the acrylic acid. In is case, the ethylene/acrylic acid is a copolymer.

In response to applicant's argument that Johnson1 does not disclose a release liner having a roll stability layer comprising ethylene vinyl acetate (EVA), applicant is informed that Johnson1 clearly teaches that the EAA and EVA are functionally equivalent, as explained in the 35 USC 103(a) rejection made over Johnson1 (Johnson'924) in the last Office Action. For the feature of roll stability, applicant is directed to Johnson1, col. 5, lines 9-10, wherein it is explained that for achieving roll stability, the support provided by increasing friction to a desired level.

Regarding applicant's position that Johnson1 fails to teach the features of claim 22 (see amendment, page-15, last paragraph), it is noted that Johnson1 does teach (i) a release layer comprising polyolefin (col. 7, lines 18-26) in combination with (ii) a roll stability layer as explained hereinabove. Further, col. 5, lines 17-24 of Johnson1 also teaches combining said multi-layer release liner with a double-sided adhesive tape.

For claim 35, the above explanation applies herein *a fortiori* for the multi-layer release liner and its claimed combination.

Applicant argues that independent claim 38 is not taught by Johnson1 because it

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teaches away from the use of silicone release material. This is not found to be convincing because Johnson1 teaches a preferred embodiment, in col. 4, lines 29-40, which shows that use of silicone as release material is well known in the art and for independent claim 38, the release liner of Johnson1 will have, in said preferred embodiment, a side with silicone and another side with the EVA.

In response to applicant's argument for claim 47, applicant is directed to explanation provided hereinabove, which applies *a fortiori* herein for a multi-layer release liner. For the confusion regarding claim 16, it has been addresses in the communication mailed on 2/28/2006.

With respect to applicant's argument for Johnson2 (Johnson'995), applicant is reminded that one cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. *In re Keller, 208 USPQ 871 (CCPA 1981)*. Additionally, the features argued by the applicant is also explained hereinabove for Johnson1.

Responding to applicant's argument that Johnson2 does not teach use of an anti-blocking agent in the layer containing the EVA, applicant is informed that (and as admitted by the applicant in page-18 of the amendment) johnson2 does teach the use of anti-blocking agent with the release liner and it would have been obvious to use said agent with the stability layer for imparting the anti-blocking characteristics to the said layer.

As for roll diameter, applicant's argument is not deemed to be persuasive because said limitation would have been obvious optimization to one of ordinary skill in the art.

For the Reinders reference, applicant is informed that it was cited to show that polyethylene material is well known as HAA material.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention would have been obvious over the prior art of record discussed above.

8. The following is a new ground of rejection for newly presented claim 55.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5178924) in view of Reinders (6037028).

Johnson relates to an adhesive tape assembly comprising a double-side adhesive tape with one side of pressure sensitive adhesive (PSA) and the opposite side having heat-activated adhesive (HAA). The tape is in a roll form with the PSA in contact with the release liner or the support sheet front side and the back side of the release liner is in contact with the HAA (col. 5, lines 1-12). The backside of the release liner is provided with a layer containing ethylene acrylic acid (EAA) to provide for roll stability (col. 5, lines 15-24). Johnson fails to teach that the backside stability layer is ethylene vinyl acetate (EVA). However, Johnson discloses, in col. 4, lines 54-65, that the release material can be EAA or EVA. Therefore, it would have been obvious to one having ordinary skill in the art to use EVA as the release material, instead of EAA, because the two are functionally equivalent as the friction reducing release material and would provide for roll stability.

Johnson, as discussed above, fails to teach that the HAA is polyolefin material. Reinders discloses that polyethylene material such as layers 29 and 30 serve as heat activated adhesive layer (col. 5, lines 36-37) to provide for a strong bond. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Reinders' teaching of using polyethylene material as HAA in the invention of Johnson with the motivation to provide for strong bond when activated.

With regard to the tape outer circumferential diameter being at least 20 times the width, it would have been obvious to one having ordinary skill in the art to modify Johnson by

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providing the roll diameter to be at least 20 times the width of the tape, based on optimization through routine experimentation, with the roll stability layer therewith.

Allowable Subject Matter

11. Claims 3, 11-14, 16-19, 25-28, 30, 36-37, 39, 42, 51-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach that the contact surface has an average surface roughness of upto about 26 microinches (claims 3, 42); that the vinyl acetate content of EVA is less than 28% (claims 11-14, 25-28, 36-37, 39, 51-53); roll stability layer having a coefficient of friction of greater than 0.4 (claims 17-19); and that the antiblocking content is upto 5% by weight (claims 16, 30, 54).

Conclusion


12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad
Primary Examiner
Art Unit 1772
4/16/07

N. Ahmad.
December 11, 2006.